



Atty. Dkt. No. 0826-0118

#8  
3/26/03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Cees A. Van Der Voort  
Title: Lily Plant Named 'Corso'  
Appl. No.: 09/521,884  
Filing Date: March 9, 2000  
Examiner: W. Haas  
Art Unit: 1661

RECEIVED  
MAR 25 2003  
TECH CENTER 1600/2900

**RESPONSE AND REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

This communication is responsive to the Office Action dated September 19, 2002, concerning the above-referenced patent application.

Applicant has enclosed with this amendment a Petition for Extension of Time to make this response timely.

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the reasons which follow.

**35 U.S.C. §102(b)**

The Examiner rejects claim 1 based on 35 U.S.C. §102(b). Applicant respectfully challenges the Examiner's argument that public availability of the instant plant *anywhere* in the world, combined with a printed publication, would bar the instant plant from patentability. Applicant respectfully submits that the USPTO's and Examiner's interpretation of 35 U.S.C. §102(b) is not only incorrect but has no bearing on whether the claim should be allowed.

The Examiner states on pages 2 – 4 of the Office Action, that the published grant, application, and published proposed denomination drawn to the instant plant are each "printed publications" which disclose the claimed plant variety. The Examiner takes